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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,881	12/10/2003	Douglas S. McBain	OMNZ 2 00019	6948

7590 01/03/2006

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EXAMINER

LUK, EMMANUEL S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,881

Applicant(s)

MCBAIN, DOUGLAS S.

Examiner

Emmanuel S. Luk

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 3/04; 5/04; 6/04.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3, 5-9, 13-17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easterlow (WO 95/13177) in view of Kazmer (6436320) and Wallace (4135870).

Easterlow teaches the claimed invention having a first mold member and second mold member (12, 13), a first composition injector (21) and a second composition injector (18), the dispensing unit (21) having a metering cylinder (21a), and a loading clamp load (L) to clamp the mold members together to form the cavity (26).

Easterlow fails to teach controls for the first and second injectors.

Kazmer teaches two injectors to the cavity (5), the injectors having a control unit (CPU; PID₁; PID₂) that controls the injection parameters of the material through the gates and into the cavity. A CPU is known to have parameters set according to the choices of a user.

Wallace teaches a cylinder (1), a metering cylinder (12), hydraulic means (5) and means for introducing the second composition (Col. 6, lines 48-65). Wallace provides teaching of functionally equivalent methods of introducing additional materials into the apparatus.

Easterlow, Wallace, and Kazmer are in the same field of invention for introducing multiple materials under pressure into a cavity.

It would have been obvious to one of ordinary skill in the art to modify Easterlow with a controls as taught by Kazmer because it allows for improved operations of the apparatus by controlling the material flow and the cylinders, hydraulic means, and other features as taught by Wallace because it allows for introduction of additional materials into the apparatus.

4. Claims 4, 10-12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easterlow (WO 95/13177) in view of Kazmer (6436320) and Wallace (4135870) as applied to claims 1-3, 5-9, 13-17, and 20-21 above, and further in view of Tarr et al (5919492).

Easterlow fails to teach display means and touch screen interface.

Tarr teaches "The computer 32, such as a Pentium equipped computer, allows for user interface allowing a user to input information. However, the computer 32 can be any commercially available computer. In the preferred embodiment, an I/O board, a timing board, a driving board, and an analog board are also integrated into the computer 32. These boards are all commercially available. The computer 32 also preferably includes a commercially available touch screen or flat panel display." (Col. 4, lines 21-34) and the changing of parameters using the computer (Col. 6, lines 46-67).

It would have been obvious to one of ordinary skill in the art to modify Easterlow with a touch screen interface and display means as taught by Tarr to provide with a graphical user interface for changing the parameters of computer via user input.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gray (5989003), Taniguchi (2003/0068396), and Pierick (2004/0262813).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Davis can be reached on (571) 272-1129. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL


PARVIZ HASSANZADEH
SUPERVISORY PATENT EXAMINER